

Remarks

This amendment is in response to the office action dated **May 12, 2003**. Each issue in the official action is discussed below.

§102 Rejections

(5)

Claims 1-2 were rejected under 35 USC §102(b) as being anticipated by Lauterjung (5630829). A more specific description of the rejection can be found on page 3 of the official action.

Although applicant does not concur with the rejection, claim 1 has been amended to further distinguish the rejected claims from the cited reference. Claim 1 has been amended to require that the stent be cut from a tube to form an as cut state, wherein the stent is expandable from its contracted state to the as cut state. This limitation is not taught in the cited reference. As such, withdrawal of the rejection is respectfully requested.

§103 Rejections

(7)

Claim 5 was rejected under 35 USC §103(a) as being unpatentable over Lauterjung in view of Lindenberg et al. (6053941). A more specific description of the rejection can be found on pages 4-5 of the official action.

The rejection fails because, among other things, Lauterjung does not disclose every limitation of the claims as amended, as discussed above, except for the limitations asserted to be provided for in Lindenberg. As such, withdrawal of the rejection is respectfully requested.

(8)

Claims 1-5 was rejected under 35 USC §103(a) as being unpatentable over Lindenberg et al. in view of Lauterjung. A more specific description of the rejection can be found on pages 4-5 of the official action.

The rejection fails because, among other things, the cited references do not provide for the requirement in amended claim1 that the stent be cut from a tube to form an as cut

state, wherein the stent is expandable from its contracted state to the as cut state. As such, withdrawal of the rejection is respectfully requested.

(9)

Claims 6-7 were rejected under 35 USC §103(a) as being unpatentable over Lindenberg et al. in view of Lauterjung further in view of Pinchasik et al (5449373). A more specific description of the rejection can be found on pages 7-8 of the official action.

The rejection fails because, the cited references do not provide for the requirement, among others, in amended claim 1 that the stent be cut from a tube to form an as cut state, wherein the stent is expandable from its contracted state to the as cut state. As such, withdrawal of the rejection is respectfully requested.

(10)

Claims 8-17 were rejected under 35 USC §103(a) as being unpatentable over Lindenberg et al. in view of Lauterjung further in view of Pinchasik et al. '373 further in view of Ritchart et al. (4994069). A more specific description of the rejection can be found on page 8 of the official action.

As to claims 8-12, which are dependent upon claim 1, the rejection fails because the cited references do not provide for the requirement, among others, in amended claim 1 that the stent be cut from a tube to form an as cut state, wherein the stent is expandable from its contracted state to the as cut state. As such, withdrawal of the rejection is respectfully requested.

As to claims 13-17, although applicant does not concur with the rejection, claim 13 has been amended to further distinguish the rejected claims from the cited references. Claim 1 has been amended to require that the stent be cut from a tube to form an as cut state, wherein the stent is expandable from its contracted state to the as cut state. This limitation is not taught in the cited references. As such, withdrawal of the rejection is respectfully requested.

Miscellaneous

Claims 18-19 have been added.

Conclusion

The claims are now believed to be in condition for allowance. The prompt allowance of these claims is earnestly solicited.

Respectfully submitted,

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